

REMARKS

Claims 1-9 are allowed. Claims 12-13 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the remarks contained herein.

Allowable Subject Matter

Applicants wish to thank the Examiner for notice that claims 1-9 are allowed.

Rejection Under 35 U.S.C. § 112

Claims 12-13 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement and the written description requirement. This rejection is respectfully traversed.

With regard to the written description requirement, the Examiner merely alleges that the claims contain subject matter which was not described in this specification. Applicants kindly remind the Examiner that a written description as filed is presumed to be adequate, unless or until sufficient evidence has been presented by the Examiner to rebut the presumption. As such, the Examiner has the initial burden of presenting by a preponderance of the evidence why a person skilled in the art would not recognize in Applicant's disclosure a description of the invention defined by the claims. See MPEP 2163.04. Applicants contend that the Examiner has not met the initial burden by a preponderance of the evidence to rebut the presumption.

With regard to the enablement requirement, the Examiner alleges that claims 12-13 are single means claims and the scope of the claims is not commensurate with the specification and therefore are subject to undue breadth. However, Applicants contend that claims 12-13 are not single means claims and are therefore allowable. As noted in *In re Hyatt*, a single means claim is a claim drafted in means plus function format that only has a single element rather than a combination of elements. As such, claim 12 is not a single means claim because it recites a combination that includes, *inter alia*, signal capture means, digitizer means, first data retrieval means, signal modulator means, storage means, second data retrieval means, and frequency conversion means.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 12-13.

AMENDMENT G

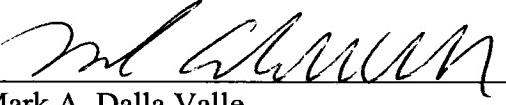
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (312) 609-7620.

Respectfully submitted,
VEDDER PRICE P.C.

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By:


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